

RESOLUTION NUMBER R- 314603

DATE OF FINAL PASSAGE FEB 16 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING PORTIONS OF THE
CITYWIDE PARK DEVELOPMENT IMPACT FEE
RESOLUTION.

WHEREAS, the 2022 update to the Land Development Code (2022 Code Update Ordinance) to the San Diego Municipal Code and Local Coastal Program includes an amendment to San Diego Resolution R-313688, adopting the Citywide Park Development Impact Fee; and

WHEREAS, on August 3, 2021, the San Diego City Council (Council) approved San Diego Resolution R-313687 (Resolution R-313687), adopting the Citywide Park Development Impact Fee; and

WHEREAS, Resolution R-313687 includes a provision that for any dwelling unit that is designed in accordance with San Diego Municipal Code (Municipal Code) section 145.4004 (Tier I-Accessible Dwelling Unit) or 145.4005 (Tier II- Visitable Unit), a fee of 2.5 percent less than the amounts otherwise identified above in this Resolution, is approved; and

WHEREAS, on February 8, 2022, the Council adopted Homes for All of Us: Housing Action Packing Code Update which amended Chapter 14, Article 3, Division 7 of the Municipal Code and replaced the Voluntary Housing Accessibility Program with the Housing Accessibility Program; and

WHEREAS, it is necessary to replace the former Voluntary Accessibility Program with Housing Accessibility Program; and

WHEREAS, the 2022 Code Update Ordinance includes a new definition of a Sustainable Development Area applicable to certain development incentive programs to replace the current definition of a Transit Priority Area; and

WHEREAS, on August 1, 2022, the Council adopted San Diego Resolutions R-314271, R-314272, and R-314273 adopted Citywide Development Impact Fees for Mobility, Fire, and Library facilities (respectively) (Citywide Mobility, Fire, and Library DIF); and

WHEREAS, the Citywide Mobility, Fire, and Library DIF included provisions limiting the payment of these fees to the applicability of 3-bedroom or greater homes as a means to incentivize the production of more homes that meet the needs of families with children and intergenerational families; and

WHEREAS, it is desired to apply the same incentive for homes for families that currently applies to the Citywide Mobility, Fire, and Library DIF to the Citywide Park Development Impact Fee; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, with the understanding that the information is complete, true, and accurate; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that with respect to Resolution R-313687:

1. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a single dwelling unit project is approved as follows:

| Dwelling Unit Size (sf) | Fee |
|--------------------------------|-------------|
| ≥ 2,501 | \$17,989.13 |
| 2,450- 2,500 | \$17,809.24 |
| 2,401 - 2,450 | \$17,629.35 |
| 2,351 - 2,400 | \$17,449.45 |
| 2,301 - 2,350 | \$17,269.56 |
| 2,251 - 2,300 | \$16,909.78 |
| 2,201 - 2,250 | \$16,729.89 |
| 2,151- 2,200 | \$16,550.00 |
| 2,101 -2,150 | \$16,370.11 |
| 2,051- 2,100 | \$16,190.22 |
| 2,001 - 2,050 | \$15,830.43 |
| 1,951 - 2,000 | \$15,650.54 |
| 1,901 - 1,950 | \$15,470.65 |
| 1,851-1,900 | \$15,290.76 |
| 1,801- 1,850 | \$14,930.98 |
| 1,751-1,800 | \$14,751.08 |
| 1,701 - 1,750 | \$14,571.19 |
| 1,651-1,700 | \$14,391.30 |
| 1,601 - 1,650 | \$14,211.41 |
| 1,551 - 1,600 | \$13,851.63 |
| 1,501 - 1,550 | \$13,671.74 |
| 1,451-1,500 | \$13,491.85 |
| 1,401 - 1,450 | \$13,311.95 |
| 1,351- 1,400 | \$12,952.17 |
| 1,301 - 1,350 | \$12,772.28 |
| 1,251 - 1,300 | \$12,592.39 |
| 1,201 - 1,250 | \$12,412.50 |
| 1,151-1,200 | \$12,052.72 |
| 1,051 -1,100 | \$11,692.93 |
| 1,001 - 1,050 | \$11,513.04 |
| ≤1,000 | \$11,333.15 |

2. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a multiple dwelling unit project is approved as follows:

| Dwelling Unit Size (sf) | Fee |
|-------------------------|-------------|
| ≥ 1,301 | \$13,968.03 |
| 1,251 - 1,300 | \$13,828.35 |
| 1,201 - 1,250 | \$13,548.99 |
| 1,151 - 1,200 | \$13,129.95 |
| 1,101 - 1,150 | \$12,850.59 |
| 1,051 - 1,100 | \$12,571.23 |
| 1,001 - 1,050 | \$12,152.19 |
| 951 - 1,000 | \$11,872.82 |
| 901 - 950 | \$11,593.46 |
| 851 - 900 | \$11,174.42 |
| 801 - 850 | \$10,895.06 |
| 751 - 800 | \$10,615.70 |
| 701 - 750 | \$10,196.66 |
| 651 - 700 | \$9,917.30 |
| 601 - 650 | \$9,637.94 |
| 551 - 600 | \$9,218.90 |
| 501 - 550 | \$8,939.54 |
| ≤ 500 | \$8,799.86 |

3. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a multiple dwelling unit project within a Sustainable Development Area is approved as follows:

| Dwelling Unit Size (sf) | Fee |
|-------------------------|-------------|
| ≥ 1,301 | \$10,476.02 |
| 1,251 - 1,300 | \$10,371.26 |
| 1,201 - 1,250 | \$10,161.74 |
| 1,151 - 1,200 | \$9,847.46 |
| 1,101 - 1,150 | \$9,637.94 |
| 1,051 - 1,100 | \$9,428.42 |
| 1,001 - 1,050 | \$9,114.14 |

| Dwelling Unit Size (sf) | Fee |
|--------------------------------|------------|
| 951 - 1,000 | \$8,904.62 |
| 901 - 950 | \$8,695.10 |
| 851 - 900 | \$8,380.82 |
| 801 - 850 | \$8,171.30 |
| 751 - 800 | \$7,961.78 |
| 701 - 750 | \$7,647.50 |
| 651 - 700 | \$7,437.98 |
| 601 - 650 | \$7,228.45 |
| 551 - 600 | \$6,914.17 |
| 501 - 550 | \$6,704.65 |
| < 500 | \$6,599.89 |

4. That the Citywide Park DIF, for a multiple-dwelling unit with three or more bedrooms, greater than 900 square feet and less than 1500 square feet, shall pay the fee applicable to a 900 square foot multiple-dwelling unit as identified in Sections 2 and 3.

5. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a senior housing unit outside of a Sustainable Development Area is approved as follows:

| Dwelling Unit Size (sf) | Fee |
|--------------------------------|-------------|
| > 701 | \$10,105.66 |
| 651 - 700 | \$9,917.30 |
| 601 - 650 | \$9,637.94 |
| 551 - 600 | \$9,218.90 |
| 501 - 550 | \$8,939.54 |
| < 500 | \$8,799.86 |

6. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a senior housing unit within a Sustainable Development Area is approved as follows:

| Dwelling Unit Size (sf) | Fee |
|--------------------------------|------------|
| > 701 | \$7,579.24 |
| 651 - 700 | \$7,437.98 |

| Dwelling Unit Size (sf) | Fee |
|--------------------------------|------------|
| 601 - 650 | \$7,228.45 |
| 551 - 600 | \$6,914.17 |
| 501 - 550 | \$6,704.65 |
| < 500 | \$6,599.89 |

7. That a Citywide Park DIF, which includes up to a 5 percent administrative fee, for a group quarters housing project outside of a Sustainable Development Area of \$5,290.92 per bed is approved.

8. That the Citywide Park DIF, which includes up to a 5 percent administrative fee, for a group quarters housing project within a Sustainable Development Area of \$3,968.19 per bed is approved.

9. That where a developer provides onsite parks, or offsite parks located in a Community of Concern, that meet the park standard identified in the Parks Master Plan for the project, and where such parks are developed in accordance with the public process identified in Council Policy 600-33 and in accordance with the City's standards for the design and construction of parks, a fee of 90 percent less than the amounts otherwise identified in this Resolution, is approved. Where a developer meets a portion of the park standard identified in the Parks Master Plan, a proportionate exemption from payment for the Citywide Park DIF shall be applicable, as determined by the Mayor or their designee.

10. That for any 55-year covenant-restricted affordable dwelling unit at 80 percent area median income and below, a fee of 25 percent less than the amounts otherwise identified above in this Resolution, is approved.

11. That for any 55-year covenant-restricted affordable dwelling unit at 81 to 120 percent area median income, a fee of 20 percent less than the amounts otherwise identified above in this Resolution, is approved.

12. That for any dwelling unit that is located within a new building that is certified as a LEED Platinum or Living Building Challenge building, a fee of 5 percent less than the amounts otherwise identified above in this Resolution, is approved.

13. That for any dwelling unit that is designed in accordance with San Diego Municipal Code section 145.4004 (Tier I-Accessible Dwelling Unit) or 145.4005 (Tier II-Visitable Unit), a fee of 2.5 percent less than the amounts otherwise identified above in this Resolution, is approved.

14. That except as provided for in Section 8, under no circumstance shall the fee for any dwelling unit be less than 50 percent of the amount of the Citywide Park DIF identified in Section 1 for single dwelling units, Section 2 for multiple dwelling units, or Section 4 for senior housing units, as applicable, in this Resolution.

15. That the Chief Financial Officer is authorized to establish an interest-bearing fund for funds received from payment of the Citywide Park DIF, to be used solely to fund parks and recreation facilities.

16. That the Citywide DIF identified in this Resolution shall replace the parks component of any Development Impact Fee adopted by any other City Council resolutions for residential development, and shall serve as the new updated fee applicable to the development.

17. That the Chief Financial Officer is authorized to distribute funds from the Citywide Park DIF in accordance with this Resolution, Chapter 14, Article 3, Division 10 of the Municipal Code, and priorities identified in the Parks Master Plan. Specifically, for five years from the final passage of this Resolution, at least 80 percent of all Citywide Park DIF collected shall be prioritized for investments in park deficient communities, as determined by

the Mayor, or their designee, with at least 50 percent of the total, being prioritized for investments in Communities of Concern, as determined by the Mayor or their designee, in accordance with the Citywide Climate Equity Index. Park deficient communities shall be determined as shown in the Existing Conditions Report for the Parks Master Plan, dated June 2019, Figures 5-1, 5-2, and 5-3 on an interim basis until a Park Needs Index is completed, as identified in Section 4.8 of the Parks Master Plan, on file in the Office of the City Clerk as Document No. RR- 313687.

18. That the Citywide Park DIF investments in park deficient communities and Communities of Concern, as determined by the Mayor or their designee in accordance with Section 16, shall be approved annually by Council.

19. That the Nexus Study is incorporated by reference into this Resolution as support and justification for the satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code section 6600 I, for the imposition of development impact fees. Specifically, it is determined and found that the Nexus Study:

- a. Identifies the purpose of the development impact fee, which is to fund park and recreational improvements needed to serve additional residential populations that result from new development in the City.
- b. Identifies the use to which the development impact fee is to be put, which is to fund park and recreation improvements throughout the City in a manner consistent with standards-based planning criteria set forth in the Parks Master Plan.
- c. Demonstrates how there is a reasonable relationship between the

development impact fee use and the type of development on which the development impact fee is imposed. Future development will require additional investments in park and recreational facilities to maintain defined Citywide park standards. As set forth in the Parks Master Plan, access to a wide variety of recreational resources throughout the City is key to a successful Citywide parks system.

- d. Demonstrates how there is a reasonable relationship between the need for the public facility type and the type of development for which the development impact fee is imposed. Future development will require additional investments in park and recreational facilities to maintain defined Citywide park standards. As set forth in the Parks Master Plan, access to a wide variety of recreational resources throughout the City is key to a successful Citywide parks system. As new development will necessitate the need for park and recreation investments, the burdens posed are reasonably related to the use of the fee.
- e. Reasonable Apportionment. The reasonable relationship between the fee for a specific project and the cost of improvements attributable to the project is described in this Nexus Study and is consistent with the standards-based planning criteria set forth in the Parks Master Plan.

20. That at least 10 percent of the Citywide Park DIF shall be used to acquire new park land.

21. That this Resolution shall be effective on the date of its final passage, or on the effective date of San Diego Ordinance O-**21618**, adopting the 2022 Code Update Ordinance, and shall be in effect at the time building permits are issued, in accordance with Chapter 14, Article 2, Division 6 of the Municipal Code, plus automatic annual increases in accordance with Municipal Code section 142.0640(b).

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc:cm
12/15/2022
02/08/2023 COR. COPY
Or.Dept: Planning
CC No.: N/A
Doc. No. 3168019_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 14 2023

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 2/16/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 14 2023, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Joe LaCava | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage FEB 16 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Kristine Medina*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314603